

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

ENTREPRENEUR DREAM TEAM,
Plaintiff,

v.

CERTAIN INTERESTED
UNDERWRITERS OF LLOYD’S
INSURANCE COMPANY,
Defendants.

Civil Action No. 3:22CV529 (RCY)

ORDER

This matter is before the Court on Defendant’s Motion to Dismiss Plaintiff’s Amended Complaint (ECF No. 9), Plaintiff’s Motion Seeking Leave to File Second Amended Complaint (“Motion for Leave”) (ECF No. 13), the Magistrate Judge’s Report and Recommendation (“R&R,” ECF No. 31), and Defendant’s Objection to the R&R (ECF No. 32).

For the reasons stated in the accompanying Memorandum Opinion, after *de novo* review, the Court **OVERRULES** Defendant's Objection (ECF No. 32), **ADOPTS** the R&R (ECF No. 31), and **ORDERS** as follows:

1. Defendant's Motion to Dismiss the Amended Complaint (ECF No. 9) is GRANTED; and
2. Plaintiff's Motion Seeking Leave to File a Second Amended Complaint (ECF No. 13) is GRANTED IN PART and DENIED IN PART. Specifically, Plaintiff's Motion is CONDITIONALLY GRANTED as to Counts One, Four, and Five but DENIED with prejudice as to Counts Two and Three.

Because Plaintiff filed its Motion for Leave and Proposed Second Amended Complaint without the benefit of the Court's present findings, Plaintiff is DIRECTED to correct the deficiencies noted in the accompanying Memorandum Opinion and the Magistrate Judge's R&R before docketing its Second Amended Complaint. As this will in essence be Plaintiff's fourth bite

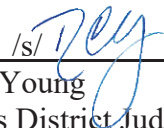
at the pleading-apple, the Court cautions that if Plaintiff is yet again unable to satisfy the pleading requirements applicable to Counts Four and Five, the Court will be inclined to find any subsequent motions for leave to amend futile.

Plaintiff shall have TWENTY-EIGHT (28) days from the entry of this Order to docket a revised Second Amended Complaint incorporating Counts One, Four and Five in a manner consistent with the Court's Memorandum Opinion. If Plaintiff fails to so file, this case will be closed in accordance with the Court's ruling on Defendant's Motion to Dismiss.

The Clerk is directed to send a copy of this Order to all counsel of record.

It is so ORDERED.

Richmond, Virginia
Date: August 31, 2023



/s/ Roderick C. Young
United States District Judge